tion, but it was found that people did not take sufficient interest. If the village panchayets want them now, they may try. Government will give them necessary facilities.

Mr. J. MAHOMED IMAM.—Will the Government extend financial help to all the village panchayets which want to start libraries ?

Mr. S. P. RAJAGOPALACHARI.—If they are willing to start and maintain them and send up proper schemes, we shall consider the question of giving suitable grants.

Mr. T. RAMACHANDRA.—Are there any more sets of books available for being given to deserving private institutions ?

Mr. S. P. RAJAGOPALACHARI.—None.

Mr. B. N. BORANNA GOWDA.—Why not the books be taken back from the schools and given over to village panchayets ? They must have been given to the schools only on a loan basis.

Mr. S. P. RAJAGOPALACHARI.—No, they were given away outright.

GOVERNMENT BUSINESS—BILLS.

I. Statement of General Principles of the Bill further to Amend the Mysore Land Revenue Code, 1888.

The CHIEF SECRETARY to GOVERNMENT (Mr. K. V. Anantaraman) explained the general principles of the bill as follows :—

"Under Section 179 of the Mysore Land Revenue Code, 1888, it is obligatory on the part of the person declared to be the purchaser at revenue sales to deposit immediately twenty-five per cent of the bid amount, and under Section 180 of the said Code, he is required to pay the balance before sunset of the fifteenth day from that on which the sale took place. In some cases the purchasers are the persons for whose benefit the sales are held. For example, the sale may be on account of arrears due to a co-operative society or to an inamdar from his tenant. At present, no option is allowed by the Code to set off the purchase money against any amount due to the purchaser himself from such sale proceeds. This is likely to work as a hardship. It is, therefore, proposed to amend the Land Revenue Code by the addition of a new Section 180A on the lines of the rules contained in the Civil Procedure Code in the matter of allowing a concession of set-off when the decree-holder purchases the property in a civil court sale."

Mr. C. N. NARASINGA RAO represented that whereas under the Civil Procedure Code, the set-off was being given only after the claims were legally ascertained and declared, the bill proposed to give the set-off in respect of arrears due to co-operative societies or inamdars. In cases of the latter type, the interests of the judgment debtor and the tenant would be adversely affected. He therefore objected to giving a set-off to societies and inamdars unless and until they established their claims in a civil court.

Mr. K. V. ANANTARAMAN corrected the member by stating that the set-off was proposed to be allowed only in respect of ascertained claims—whether in the case of co-operative or revenue suits.

Mr. Malur SUBBA RAO thought that the bill would cause greater hardship than at present. He was against the grant of concession of set-off to co-operative societies as they could easily afford to purchase the auction property by actually paying the full amount of the sale and then getting a refund in respect of their dues. Otherwise, he was afraid that, in the case of valuable properties, the society might manage to bring them to sale and create special opportunities for some influential director or member to purchase them for just the decreed amount. Sometimes the society might get a property sold for a song in favour of its own favourites thus creating a handicap to the judgment-debtor from fully discharging the decretal amount, even though it was a valuable property. He therefore considered that unless some special safeguards were created in favour of the debtors, they would be put to very severe hardships.

Mr. B. S. PUTTASWAMY explained that if auctions were held in execution of civil court decrees, the debtor had the option of getting the sale cancelled within 30 days without paying any compensation if the decree-holder himself happened to be the purchaser. He suggested that a similar provision should be made in respect of sales held in revenue and co-operative suits also.

Mr. K. V. ANANTARAMAN pointed out that there would be no objection to add a provision in the Land Revenue Code in that behalf.

Mr. P. SITHARAMIAH explained that under the existing law, there was no provision for payment of a solatium or compensation to the auction-purchaser if he happened to be the decree-holder. So neither the judgment-debtor nor the decree-holder would be benefited unduly. So far as the creditor societies were concerned, the set-off was being allowed in practice even though there was no specific provision for it in the rules. The amendment now brought up was merely meant to regularise the present procedure. He therefore supported the amending bill under reference.

Mr. M. A. GOPALASWAMI IYENGAR pointed out that it would be very cumbersome for the auction-purchaser, if he happened to be the decree-holder, to pay the full amount of the bid and then get a refund in satisfaction of the decreed amount. The present amendment aimed at simplifying the procedure without causing any real inconvenience to anybody. He therefore thought that it would not be right to say that the amendment would enable the bidder to knock off valuable properties of the judgment-debtor for very low bids. When large sums of money belonging to co-operative societies were already outstanding with the debtors, it would not be fair to ask the creditor-societies again to make fresh payments before realising their outstandings from the members in default. He therefore supported the bill.

Mr. W. H. HANUMANTHAPPA felt that the disadvantages of the proposed amendment would be many more than the advantages. He also observed that in the case of inamdars, it was necessary to insist that auction sales should be held only after their claims against their tenants were legally ascertained and decreed by courts of law.

The FIRST MEMBER (Rajamantrapravina Diwan Bahadur K. Matthan) assured the House that that would be so.

Mr. K. CHENGALARAYA REDDY said that it was not clear from the statement of general principles at what stage the set-off was proposed to be given—whether at the time of the initial deposit of 25 per cent of the bid amount or at the time of the payment of the balance. It was also not clear whether the compensation of 5 per cent would be insisted upon even if the decree-holder himself happened to be auction-purchaser. He next said that when the tendency now was to give more and more facilities, conveniences and help to agriculturists and when large questions like Debt Conciliation, etc., were still under consideration, he did not know how far it would be in the fitness of things to bring forward the measure under consideration.

Mr. T. MADIAH GOWDA said that the Civil Procedure Code provided certain safeguards in favour of the judgment-debtor in civil court auctions. In the first place, notice of auction would be given to him before the auction was held in execution of the decree and he would be asked to show cause why the auction should not be held. Secondly, he could represent his difficulties and ask for time being given to repay the amount. And lastly, he would be given an opportunity of repaying the decretal amount and redeeming his property. Whether it was sought to deprive him of these safeguards because it was the Registrar's Court that passed the decree in co-operative suits or the judgment-debtor would enjoy all these privileges had not been made clear. He for one would not welcome any departure from the procedure now prescribed in respect of civil process.

Mr. K. MATTHAN replied that it was not proposed to make any departure from the procedure laid down in the Civil Procedure Code in respect of set-off.

Mr. Malur SUBBA RAO thought that it would be better if the minimum bid was fixed by the court in advance of the auction, below which neither the co-operative society nor the inamdar concerned should be permitted to bid in the auction.

At this stage many members said that there need be no further discussion on the measure as it was non-controversial.

The general principles were thereupon put to vote and passed.

II. Statement of General Principles of the Bill further to Amend the Mysore Police Regulation, V of 1908.

The CHIEF SECRETARY to GOVERNMENT (Mr. K. V. Anantaraman) explained the general principles of the bill as follows :—

" Under Section 56 (*a*) of the Mysore Police Regulation, 1908, whoever drives along or keeps standing in any street a vehicle of any description at any time between half an hour after sunset and one hour before sunrise without a sufficient light is liable to be punished. Dragging or pushing a vehicle without a light does not come under the scope of this section as it cannot be termed driving. It has been brought to the notice of the Government that carts without lights pushed by hawkers or coolies are commonly found in the busy roads of the cities thereby causing serious nuisance. The bill is intended to amend the Regulation so as to make the act of pushing or dragging a vehicle without lights half an hour after sunset and one hour before sunrise, an offence under the Regulation."

Mr. T. MADIAH GOWDA represented that the measure should be made applicable to cities only where there was heavy traffic and not to towns.

The FIRST MEMBER (Rajamantrapravina Diwan Bahadur K. Matthan) replied that the measure would apply to only the places specially notified by Government and not to all places.

Mr. B. L. BYANNA and a few other members suggested that bicycles should be exempted from the list of vehicles, the dragging or pushing of which without lights during dark hours was sought to be made an offence.

The DEWAN replied that push-bicycles would be exempted.

Mr. M. SUBBIAH said that in village parts it was not always possible to attach lamps to carts. Generally there would be a number of people in front of and behind the carts and in such cases he did not think it would be necessary to insist on lights and to make the dragging or pushing of carts an offence under the Police Regulation.

Mr. K. MATTHAN replied that speaking generally, the measure proposed was necessary in order to avoid accidents and in the interests of public safety and so long as it was not proposed to make it applicable to villages there need be no opposition to the measure.

The general principles of the bill were thereupon put to vote and passed.

III. Statement of General Principles of the Bill to Amend the Mysore Religious and Charitable Institutions Regulation, VII of 1927.

The GENERAL SECRETARY to GOVERNMENT (Mr. H. V. Ramaswami) explained the general principles of the bill as follows :—

" Under Section 38 (2) of the Mysore Religious and Charitable Institutions Regulation, VII of 1927, an appeal lies to the Government against every order passed by the Muzrai Commissioner, whereas under Section 210 (2) of the Mysore Land Revenue Code, 1888, appeals lie to the Government from an appellate decision or order passed by the Revenue Commissioner, only in cases involving points of law. This section in the said Regulation, VII of 1927, is found to lead to a number of petty appeals on facts to the

Government, which in their opinion is not desirable. It is therefore proposed to amend it suitably in conformity with the provisions of Section 210 (2) of the Mysore Land Revenue Code. Such an amendment will not cause any real inconvenience to parties concerned as the Government have powers of revision under Section 39 of the Regulation, VII of 1927."

Mr. C. N. NARASINGA RAO observed that he found it difficult to give his support to the measure. In the first place, enquiries by muzrai authorities would not be so complete as those by revenue authorities. They would generally be summary in their nature since there would be barely any witnesses examined, statements recorded or cross-examination conducted. At any rate, in cases of this kind, the muzrai institutions or other parties had now an opportunity to get redress by means of appealing to the Government not only on points of law but also on points of fact. It was not desirable to curtail this privilege and say that appeals should lie before Government only on points of law. No doubt Government would continue to exercise revisionary powers, but in his opinion that would not be enough. In the interests of the muzrai institutions or other parties themselves, it would be better for the Government to continue to have appellate jurisdiction even on points of fact. He therefore requested Government not to press the measure.

Mr. Belur SRINIVASIENGAR said that he did not know what section of the Religious and Charitable Institutions Regulation corresponded to Section 217 of the Land Revenue Code which gave revisionary powers to Government. It had been stated that Section 39 gave revisionary powers to Government. But he for one thought that that was not a proper analogy. Under Section 38 (2) of the Regulation, at present, an appeal lay before Government against every order passed by the Muzrai Commissioner. He asked why this should not continue to be the procedure in future also. It might be that the entertainment of appeals even on points of fact would entail unnecessarily heavy work on Government. But that could not justify the withdrawal of the right of appeal which to muzrai institutions was very often a valuable privilege.

Messrs. Malur SUBBA RAO and **H. M. CHANNABASAPPA** endorsed the above view. They added that there were many instances in which Government reversed the decisions of muzrai authorities, which showed that institutions as well as individuals would sometimes not get justice if the right of appeal was denied to them.

Mr. P. SITHARAMIAH also endorsed the above view. He added that especially as the muzrai institutions could not go to civil courts in appeal against orders of muzrai authorities, it would not be fair to prevent them from approaching Government also. And he wanted, notwithstanding the work that may entail on Government, that appeals should lie on points of law as well as on points of fact. In fact, he considered that points of fact were sometimes more important than points of law. In this view he requested the Government to withdraw the measure.

The SECOND MEMBER (Rajamantrapravina S. P. Rajagopalachari) in replying to the debate observed that he felt surprised at the extent of opposition to a simple measure like this. The main object of Government in bringing forward the measure was to amend Section 38 (2) of the Mysore Religious and Charitable Institutions Regulation in conformity with the provisions of Section 210 (2) of the Mysore Land Revenue Code, so that only on points of law would appeals to Government lie and not on points of fact also as at present. This had become necessary in view of a large number of petty appeals entailing heavy work on Government. Many questions which the Land Revenue Code contemplated would not arise under the Muzrai Regulation, so that its administration was comparatively a very simple matter. And even under the Land Revenue Code, orders passed by the Revenue Commissioner were treated as final so far as points of fact were concerned. It was only on points

of law that an appeal lay to Government. So, there would be no harm done to anybody if in muzrai matters also no appeal was provided for on points of fact. It was not as if there should be no appeal at all to Government, because on points of law appeal would lie to Government. If an appeal was allowed on points of fact also, there would be too many petty appeals to Government on various simple matters and it might take years together for every such matter to be finally disposed of. That would mean considerable waste of time and unsettlement both to Government and the parties concerned.

Some MEMBERS requested information as to the number of appeals usually coming up before Government every year.

Mr. S. P. RAJAGOPALACHARI replied that there were as many as 40 to 50 cases per year. And even if the points involved were very simple, all the procedure prescribed for the disposal of appeals had to be gone through and the present experience was that nearly two years elapsed before final orders were passed in any case. Even apart from this last stage of the case, it was very necessary to remember that this would by no means be the first appeal. To begin with, there would be an appeal against the orders of the Amildar before the Sub-Division Officer, then against the Sub-Division Officer's orders before the Deputy Commissioner, then again against the Deputy Commissioner's orders before the Muzrai Commissioner, and so the very first appeal before the Government would be the fourth appeal. Where, then, would there be anything like finality? If appeals even on points of fact were to be entertained endlessly, it would be a thing which no civilized Government could countenance.

Some of the previous speakers had said that enquiries by muzrai authorities would be summary trials and not formal as in the case of appeals under the Land Revenue Code. In reply to that, he would say that according to Section 37 of the Muzrai Regulation, in all important cases the enquiry should be conducted by muzrai officers in a formal manner. After all, the revenue officers who dealt with revenue matters were themselves *ex-officio* muzrai officers entrusted with the duty of disposing of muzrai appeals, so that if they could do full justice to revenue appeals the apprehension that inquiries in muzrai cases might not be held by them equally thoroughly would not be warranted.

Mr. S. K. VENKATARANGA IYENGAR, interrupting, observed that at present parties had scope to go to civil courts in appeal in all revenue matters except in respect of *kandayam* suits and in respect of such matters it did not matter whether a right of appeal before Government was provided or not. But in muzrai cases, such appeal was necessary unless it was proposed to retain appellate jurisdiction in Government's own hands.

The DEWAN observed that there need be no hesitation on the part of members in giving support to the measure under discussion. When the principle of decentralisation of powers was being extended, Government did not consider it necessary to retain appellate jurisdiction in their own hands. It was proposed to retain appellate powers only on points of law.

Mr. S. P. RAJAGOPALACHARI, continuing, observed that notwithstanding the provision under discussion Government would continue to have revisionary powers which they could exercise in particular cases of hardship.

There was another point to be considered. At one time there was no Muzrai Commissioner or Revenue Commissioner, so that, even on points of fact appeal lay only to Government. But, after the appointment of the Revenue and Muzrai Commissioners, there was decentralisation of powers and appellate jurisdiction was also given to them. It was really not necessary therefore that Government should also exercise the same appellate jurisdiction on points of both fact and law. Decision on points of fact was a duty which could very well be performed by the Muzrai Commissioner so that it was unnecessary that they should again be gone into by Government. Otherwise,

the very object of appointing a Muzrai Commissioner would be frustrated.

Mr. T. MADIAH GOWDA observed that there were many important matters pertaining to religion which affected the rights of communities, such as the appointment of *mathadhipathis*, and in respect of such matters was necessary for Government to retain appellate powers even on points of fact.

The MUZRAI COMMISSIONER (Mr. N. Madhava Rao) replied that such cases would be regulated by usage.

Mr. S. P. RAJAGOPALACHARI said that the present measure referred to appeals on trivial matters like lease of temple lands, etc., and that it was thought not worth while to retain appellate jurisdiction in such cases in the hands of Government.

At this stage, the general principles of the bill were put to vote and lost by a majority.

The DEWAN announced that there would be no sitting of the House in the afternoon as the Hall had to be placed at the disposal of the University authorities for holding the Convocation the following morning, for which special seating arrangements had to be made immediately.

The House then adjourned for lunch to meet again at 12 of the clock the following day.

SECOND DAY.

Wednesday, 9th October 1935.

The House reassembled at 12 of the clock.

QUESTIONS AND ANSWERS.—(*contd.*)

Extension of Elementary Education.

Q.—9. Mr. S. C. MALLIAH (Maddur Taluk).— Will the Government be pleased to state

(*a*) what is the amount paid by each municipality since the Elementary Education Regulation came into force in Mysore State to the respective Local Education Authorities (districtwar and yearwar);

(*b*) what is the total amount spent on primary schools in municipal areas (districtwar);

(*c*) what amount is spent in rural areas (districtwar);

(*d*) what amount each municipality has to pay to the respective Local Education Authorities (districtwar)?

A.—The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. M. Venkatanaranappa).— (*a*) According to information readily available, no municipality except the Chikmagalur Town Municipality has paid any amounts to the Local Education Authorities. The Chikmagalur Town Municipality has paid to the Kadur District Local Education Authority a total sum of Rs. 1,000 till now (Rs. 500 in July 1934 and Rs 500 in July 1935).

(*b*) and (*c*) As the expenditure on primary education is not booked according to municipal and rural areas separately, this information is not available.

(*d*) No amount has been fixed.

Mr. S. C. MALLIAH.—With reference to answer to (*a*), have the Government made any attempts to collect funds from other municipalities?

Mr. M. VENKATANARANAPPA.— In accordance with the Elementary Education Regulation, only the Chikmagalur Town Municipality has made the contribution voluntarily. The question of levying the cess in municipalities is under consideration.

Mr. S. C. MALLIAH.—How long has this matter been under consideration?

The DIRECTOR of PUBLIC INSTRUCTION (Mr. N. S. Subba Rao).— Ever since the Regulation was passed in 1930.

Mr. S. C. MALLIAH.—Did not the Second Member of Council promise at the last session of the Representative Assembly that orders would be passed in the matter very soon?

Mr. N. S. SUBBA RAO.—Yes, the matter has been considered and orders will shortly issue.